



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Joseph R. BYRUM *et al.*

Appl. No.: 09/669,817

Filed: September 26, 2000

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 5384

Art Unit: 1638

Examiner: Ashwin D. Mehta

Atty. Docket: 16517.315

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed October 8, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

01/11/2005 ZJUHAR1 00000063 09669817

01 FC:1401 500.00 DA

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. E. Holsten".

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Date: January 10, 2005

Of Counsel:

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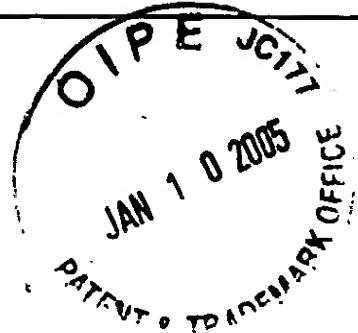
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AF/1638
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Alexandria, Virginia 22313-1450

Art Unit: 1638
Examiner: A.D. Mehta
Conf. No.: 5384

Re: U.S. Patent Application No. 09/669,817 filed September 26, 2000
Inventors: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt: 16517.315

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$500.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.315. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.315.

01/11/2005 ZJUHAR1 00000063 502387 09669017

01 FC:1401

500.00 DA

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)

Enclosures